

United States Court of Appeals for the Federal Circuit

Johnson #19
SOLICITOR

03-1372
(Serial No. 09/515,060)

JAN - 2 2004

U.S. PATENT & TRADEMARK OFFICE

IN RE RAYMOND ANTHONY JOAO

Judgment

**FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT**

NOV - 5 2003

**JAN HORBALY
CLERK**

ON APPEAL from the PATENT & TRADEMARK OFFICE
BOARD OF PATENT APPEALS & INTERFERENCES
In CASE NO(S): 09/515,060

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

AFFIRMED

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**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

By: *[Signature]* Date: *12/29/03*

ENTERED BY ORDER OF THE COURT

TRH
DATED NOV - 5 2003

Jan Horbaly

Jan Horbaly, Clerk

ISSUED AS A MANDATE.

DEC 29 2003

NOTE: Pursuant to Fed. Cir. R. 47.6, this disposition is not citable as precedent. It is a public record. This disposition will appear in tables published periodically.

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U.S. PATENT & TRADEMARK OFFICE

United States Court of Appeals for the Federal Circuit

03-1372
(Serial No. 09/515,060)

IN RE RAYMOND ANTHONY JOAO

DECIDED: November 5, 2003

Before MAYER, Chief Judge, NEWMAN and LINN, Circuit Judges.

PER CURIAM.

Appellant Raymond Anthony Joao seeks review of a decision of the United States Patent and Trademark Office Board of Patent Appeals and Interferences sustaining a rejection of Joao's application as obvious under 35 U.S.C. § 103(a). We affirm.

Because Joao's arguments focus on the teachings of the prior art, our obviousness inquiry focuses on whether the board's factual findings as to those teachings are supported by substantial evidence. See In re Berg, 320 F.3d 1310, 1312 (Fed. Cir. 2003). The PTO has the burden under section 103 to establish a prima facie case of obviousness, and it can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead

discloses an interactive entertainment network system capable of connecting to multiple user interface units that allow users to stop a program and later return with a predetermined portion of the program being repeated. The technology and function of each reference overlap considerably. Additionally, Houstis and Dunn provide related teachings that defeat Joao's teaching away arguments while simultaneously showing that the two references are in the same field of endeavor. Houstis teaches a system that permits a user to learn from an interactive multimedia system at a "self-paced" speed, while Dunn's reminder and playback features are not only compatible with such a system but would be viewed as a highly desirable combination to one skilled in the art.

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By: [Signature] Date: 12/29/02